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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,936	03/24/2004	William D. Denison	4800 P 010	5149
7590 09/04/2008				
Edward L. Bishop FACTOR & LAKE, LTD 1327 Washington Blvd. Suite 5G/H Chicago, IL 60607				
EXAMINER				
NGUYEN, NAM V				
ART UNIT		PAPER NUMBER		
2612				
MAIL DATE		DELIVERY MODE		
09/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/807,936

**Applicant(s)**

DENISON ET AL.

**Examiner**

Nam V. Nguyen

**Art Unit**

2612

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-37, 40-46, 49-55, 58-64 and 66-171 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34, 42, 43, 46, 52 and 61 is/are allowed.
- 6) ☒ Claim(s) 31-33, 35-37, 40, 41, 44, 45, 49-51, 53-55, 58, 59, 66-141, 151, 165 and 168-171 is/are rejected.
- 7) ☐ Claim(s) 60, 62-64, 142-150, 152-164, 166 and 167 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/26/08 and 5/5/08.
- 4) ☐ Interview Summary (PTO-813)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is in response to applicant's amendment which is filed April 11, 2008 and January 31, 2008 in the application of Denison et al. for an "electronic access control device" filed March 24, 2004 by a request for continued examination filed 1/31/08.

The proposed amendment has been entered and made of record on January 31, 2008 and April 11, 2008. Claims 1-65 have been amended.

Claims 1-30, 38-39, 47-48, 56-57 and 65 are cancelled.

The new set of claims 66-169 have been introduced on January 31, 2008 and a new set of claims 170-171 have been introduced on April 11, 2008.

Claims 31-37, 40-46, 49-55; 58-64 and 66-171 are pending.

### ***Response to Arguments***

Applicant's amendments to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C. § 103(a) as discussed below. Applicant's amendment and argument with respect to the pending claims 31-37, 40-46, 49-55; 58-64 and 66-171, filed April 11, 2008, have been fully considered but they are not persuasive for at least the following reasons.

On page 1 of Remarks, filed January 31, 2008, fifth paragraph, Applicant's statement that in accordance with the Examiner's indication of allowable subject matter is not persuasive. The examiner has not found in the record that the examiner indicated any allowable subject matter of this application. Also, the applicant does not argue to the examiner's answer to appeal brief on August 25, 2006.

**Comment (B1):** Look at Examiner's answer page 2 (8/25/06)

Furthermore, Examiner found that the BPAI decision of object claims in the copending application (10/807,935) is not the same as in the independent claims 31-35, 40-44, 46, 49-53 and 58-62.

The examiner maintains that the references cited and applied in the last office actions for the rejection of the claims 31, 33, 35, 40-41, 49, 50, 52, 58, 59 and 61 are maintained in this office action.

Applicant's arguments with respect to claims 66-171, filed April 11, 2008 have been fully considered but are moot in view of the new ground(s) of rejection.

#### **Claim Rejections - 35 USC § 112**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make

and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 77, 87, 96, 109, 119, 128, 141, 151 and 165 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

According to Claims 77, 87, 96, 109, 119, 128, 141, 151 and 165, nowhere in the specification as originally disclosed and cited by the Applicant, is described the limitation that wherein an input code is communicated from a biometric identification device for recognizing a user and compared to an authorization code. This limitation of claim 77 contains new matter.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 68-70, 73 and 75-76, 80-82, 85, 90-91, 94, 99-101, 104, 106, 112-114, 117, 122-123, 126, 131-133, 136, 138, 144-146, 149, 154-155, 157, 159-160, 163 and 169-171 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 68-70, 73 and 75-76, 80-82, 90-91, 99-101, 112-114, 122-123, 131-133, 154-155, 144-146, 136, 138, 159-160 and 169, the phrase “a communication port operatively connected to a processor for sending a code to the processor while the processor is enabled that is stored into a memory sent from a device remote to the electronic access control device, and the processor is disabled sometime thereafter” is confusing and unclear. It is not understood what is meant by such a limitation. Which device sending a code to the processor? What is store into the memory?

In claims 73, 75, 85, 94,104, 106, 117, 126, 149, 157, 163 and 170-171, the phrase “wherein the keypad receives an access code which is stored in a memory” is confusing and unclear. It is not understood what is meant by such a limitation. Is this new access code to be stored in a memory? Is keypad receives an access code to be compare with an access code which is stored in a memory? Is keypad for entering an access code only.

In claims 76, 86, 95, 107-108, 118, 127, 139-140, 150 and 164, the phrase “wherein a circuit generates an enable signal in response to pressing a first key on a keypad used in entering an input code comprising the first key and at least one subsequent keypad entry” is confusing and unclear. It is not understood what is meant by such a limitation. What are the first key and a subsequent keypad entry? Are there any different between the first key and the subsequent keypad entry?

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33, 35-37, 44-45, 51, 53-55, 68-70, 80-82, 90-91, 94, 99-101, 112-114, 122-123, 131-133, 136, 138 and 169-171 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stengel (5109530) and Lemelson (4354189).

Lemelson shows an unlocking device where a receiver in the reader receives a reply signal from a coded ring, but does not specifically show the power controlling modes claimed. In an analogous art, Stengel teaches a method that is used to save power in a receiver. Stengers receiver deactivates a circuit for a first time period (Tx) in step 310. The receiver then enables the circuit for a second time period in step 304. Upon sensing an electromagnetic signal during the second time period, the enabling is extended for a greater time (Ty) step 320. The received signal can then be processed because it will be received in its entirety during the extended time. This method saves power in the receiver system.

Claims 31, 32, 40, 41, 49, 50, 58, 59, 73-76, 84-86, 93-95, 104-108, 116-118, 125-127, 137, 139-140, 148-150 and 170-171 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Stengel and Lemelson as applied to claims 1, 9, 15 and 23 above, and further in view of the admitted prior art (hereafter referred to as the APA).

Referring to Claims 31, 32, 40, 41, 49, 50, 58, 59, 73-75, 84-86, 93-95, 104-108, 116-118, 125-127, 137, 139-140, 148-150 and 170-171, Lemelson shows an unlocking device where a receiver in the reader receives a reply signal from a coded ring, but does not specifically show the power controlling modes claimed. In an analogous art, Stengel teaches a method that is used to save power in a receiver. Stengers receiver deactivates a circuit for a first time period (Tx) in step 310. The receiver then enables the circuit for a second time period in step 304. Upon sensing an electromagnetic signal during the second time period, the enabling is extended for a greater time (Ty) step 320. The received signal can then be processed because it will be received in its entirety during the extended time. This method saves power in the receiver system.

The APA discussed by the applicant, namely paragraphs 3 through 11, discuss the use of a keypad connected to the microprocessor of an access control system to provide commands to the access control system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a keypad in the above discussed access system since such would provide the user with a way to enter access codes more securely.



Claims 77, 87, 96, 109, 119, 128 and 141 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stengel and Lemelson as applied to claims 31, 33, 35, 44, 49, 53 and 58, 60 and 62 above, and further in view of Gullman et al. (US# 5,280,527).

Referring to Claims 77, 87, 96, 109, 119, 128 and 141, Stengel and Lemelson disclose an electronic access control device, Gullman et al. disclose wherein an input code is communicated from a biometric identification device for recognizing a user and compared to an authorization code (column 4 lines 39 to 65; see Figure 2) in order to improve security of an access control system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a biometric identification device for recognizing the user in the above discussed access control system since such would provide the user with an alternative way to enter access codes for more securely.

***Allowable Subject Matter***

Claims 34, 42-43, 46, 52, 61 are allowed.

Claims 60, 62-64, 66-67, 71-72, 78-79, 83, 88-89, 92, 97-98, 102-103, 110-111, 115, 120-121, 124, 129-130, 134-135, 142-143-167 would be allowable if rewritten to overcome the

rejection(s) under 35 U.S.C. 112, first and second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Referring to claims 46, 62, 66, 78, 88, 97, 110, 120, 129, 142 and 156, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein a serial number is stored in a non-volatile memory.

Referring to claims 67, 79, 89, 98, 111, 121, 130, 143 and 158, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein a memory contains a value separate from the access code for limiting access of the device.

Referring to claims 42, 60, 71, 102, 134, 153 and 168, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations a low-battery detection circuit enabled by the microprocessor for measuring a battery voltage, and wherein the low-battery detection circuit is periodically disabled and enabled.

Referring to claims 34, 43, 52, 61, 72, 83, 92, 103, 115, 124, 135, 147 and 161, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein the driver has a first state and a second state, the driver output signal providing a higher non-zero power output in the first state than in the second state.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/N. V. N./  
Examiner, Art Unit 2612

/Brian A Zimmerman/  
Supervisory Patent Examiner, Art Unit 2612